

REMARKS

Claim 20 is amended to make it more definite and certain.

Claims 1-26 are rejected under 35 USC 103 as being unpatentable over U.S. Patent 5,629,980 (Stefik). The examiner is respectfully requested to withdraw the rejection of these claims in view of the following comments distinguishing them over Stefik.

Claims 1, 12 and 23

Stefik's teachings are concerned with allowing a server to forward a digital work (such as for example a data file or software) only to destination computers authorized to receive the digital work. Stefik teaches (col. 6, lines 5-29) that when a destination computer (repository 2) requests a digital work from a server computer ("repository 1") storing the digital work, the server ascertains whether the destination computer is authorized to receive it by checking "usage rights" that the work's creator attached to the digital work, and refrains from forwarding the digital work to the receiver computer unless the attached usage rights indicate the destination computer is authorized to receive it.

In the applicant's invention as recited in claims 1, 12 and 23 a licensed server embeds a "license stamp" in a data file before forwarding it to a destination computer, the license stamp indicating that the file is from a licensed server. Processing software in the destination computer is adapted to process a received data file to carry out an action with respect to the data file only when the data file includes the license stamp indicating that a licensed server forwarded the file. Thus Stefik's teachings differ from the applicant's claims in several ways:

1. There is a difference in the meaning of the embedded "license stamp" and the attached "usage rights". The

applicant's license stamp indicates a license server forwarded the data file whereas Stefik's usage rights indicate destination computers' access rights to the digital work.

2. There is a difference in the entity that responds to the license stamp and usage rights. Stefik's server computer responds to the attached usage rights whereas the applicant's destination computer responds to the embedded license stamp.
3. There is a difference in when the license stamp and usage rights are processed. In Stefik's system, the server computer checks the attached usage rights before if forwards the digital work to the destination computer, whereas in the applicant's system, the destination computer checks the license stamp after it is received by the destination computer,
4. There is a difference in the effect of processing the license stamp and usage rights. In Stefik's system, lack of proper usage rights prevents the server computer from carrying out an action (i.e. forwarding the digital work to the destination computer) whereas in the applicant's system, lack of a proper license stamp prevents software on the receiver computer from carrying out an action relative to the data file.

Each of these four differences is sufficient to render claims 1, 12 and 23 patentable over Stefik.

Claims 2, 13 and 26

Claims 2, 13 and 26 depend on claim 1, 12 or 23 and are patentable over Stefik for similar reasons.

Claims 2, 13 and 26 recite that the embedded license stamp identifies the source computer. The Examiner cites Stefik col.

13, lines 24-40 as teaching this. This section of Stefik teaches only that a "digital certificate" distributed with software indicates that the software was "tested by an authorized organization" but this section of Stefik, and Stefik in general, fails to teach that the digital certificate includes a code identifying the particular source computer (or licensee) that forwarded the software. Embedding an indication in software indicating that software has been tested by an authorized organization is patentably distinct from including in a data file, an identification of a particular server computer that forwarded the data file..

Claims 3 -6, 14-17, 24 and 25

Claims 3 -6, 14-17, 24 and 25 depend on claim 1, 12 or 23 and are patentably over Stefik for similar reasons.

Claims 3 -6, 14-17, 24 and 25 further recite that the data file is a print file suitable for directly causing a printer to print a document defined by the print file. A computer must convert a document file, such as for example Microsoft word file or a text file, to such a print file in order to get a printer to print a document described by the print file. The Examiner points to Stefik col. 4, lines 29-36 as teaching this, but while this section of Stefik mentions a printer, this section and Stefik in general mentions nothing about print files of the type that are directly input to a printer or about embedding anything in a print file.

Claims 4, 15 and 25 further recite that the license stamp is embedded in the print file in such a way that a printer would ignore it when printing the document. The Examiner points to Stefik (col. 48, lines 2-26) as teaching this, but this section of Stefik teach to embed things ("tracer messages") in a document file such that when the document described by the file is printed the printer would print the tracer so that it would have some visible effect on the printed document. This is teaching away

from embedding things in a file that a printer would ignore as recited in claims 4, 15, and 25.

Claims 5 and 16 further recite that the action carried out by the processing software (when processing a print file containing an embedded license stamp) comprises displaying a representation of a document described by the print file on a computer monitor. The Examiner points to Stefik (col. 4, line 32), but this section of Stefik, and Stefik in general, says nothing about processing a *print file* to produce a display of a document on a *computer monitor* as recited in claim 5.

Claims 7-10 and 18 -21

Claims 7-10 and 18 -21 depend on claim 1 or 12 and are patentable over Stefik for similar reasons.

Claims 9, 10, 20 and 21 further recite that the license stamp includes an attribute code and that the processing software in the destination computer refrains from processing the data file to carry out an action unless the attribute code has a determined value. The Examiner points to Stefik (col. 3, lines 50-55) as teaching this, but this section only says that an *owner* of a digital work assigns usage rights to a digital work and does not teach that a *destination computer* checks for an attribute code in a license stamp. As discussed above, Stefik teaches that the *server computer*, not the *receiver computer*, that checks the usage rights attached to a digital work.

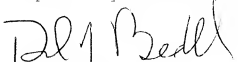
Claims 10 and 21 further recites that the number of bytes in the data file influences the value of an attribute included in the license stamp. The Examiner points to Stefik (table 2) as teaching this, but table 2 talks about security levels in the server computer and teaches nothing about a license stamp in a data file including data relating to a number of bytes in the data file.

Claims 11 and 22

Claims 11 and 22 recites that a processing option code included within the license stamp influences the nature of the output the processing software in the destination computer produces. The Examiner points to Stefik (Table 2) as teaching this but table 2 talks about security levels assigned to a digital work that *limit what the server computer can do with it* and teaches nothing about option codes embedded in the user rights attached to a digital work *that influence the output of processing software in a destination computer* that processes the digital work.

In view of the foregoing amendments and remarks it is believed the application is in condition for allowance. Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "D.J. Bedell", is written over a horizontal line.

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